

### **REMARKS**

Applicants believe no new matter is added by these amendments to the specification and claims. Claims 1-2, 11-12 and 14-17 are canceled. New claims 22-26 have been added. After entry of this amendment, Claims 3-10, 13 and 18-26 will remain in this application.

*Amendments to the specification.* Support for the sequences added to the Sequence Listing, i.e., SEQ ID NOs: 79-94, is provided by the sequences presented in the specification on page 25, lines 15-24, page 26, lines 10-29, and in Table 1 on pages 28-29.

The addition of the paragraph at page 1, line 26, indicates a research agreement between Monsanto Corporation and the present assignee, Mendel Biotechnology, Inc.

The amendment to add the creation dates of the Sequence Listing is supported by the creation date of the Sequence Listing file on the CD-ROMs filed with the application.

The amendment to Table 1 eliminates what was Column 1. The content of original column 1 is now incorporated into the next column now labeled "Transcription factor sequence", for which the format is now similar to that of other columns that now list the SEQ ID NOs: of the conserved domains.

Other amendments are made to correct typographical errors (i.e., "GLA4", "GAL1" and "GALL" should each read "GAL4", as taught in the Li and Herskowitz (1993) reference cited on page 96, line 19).

*Amendments to the claims.* The amendments to the claims reflect the withdrawal of the unelected invention (polynucleotide sequences). The new claims in this amendment are directed to the elected invention and the products of the claims have the common structural features of G3456, polynucleotide SEQ ID NO: 13 and/or encoded polypeptide SEQ ID NO: 14.

Applicants note that other disclosed and originally claimed sequences, in particular SEQ ID NOs: 2 and 6 (from *Arabidopsis*), 10 and 12 (from rice) and 16 and 18 (from soy), are encompassed by the scope of the presently claimed invention and these sequences do function similarly to SEQ ID NO: 14 in that they regulate transcription and confer greater biomass to diverse species of plants that overexpress them. Therefore, Applicants believe that all of these sequences represent a structural and specifically functional genus, and ask that the Examiner consider rejoinder of the other sequences that fall within such a specific functional and structural genus.

Support for the claims directed to increased biomass is provided by, for example, the specification at page 29, lines 3-8, page 39, lines 18-25, and page 61, lines 9-21, and on pages 89, lines 13-14, page 91, lines 16-17, page 92, lines 24-26, page 94, lines 3-4 and lines 22-23, page 95, lines 5-7 and 10.

Support for the first and second conserved domains of SEQ ID NO: 14 now presented as SEQ ID NOs: 84 and 92 may be found in Table 1 on page 29 (the row for SEQ ID NO: 14). SEQ ID NOs: 84 and

92 are comprised within SEQ ID NO: 14, represent the first (AT-hook) and second domains of SEQ ID NO: 14, and are thus linked.

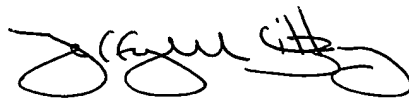
Support for 78% and 63% identity to the first and second conserved domains, respectively, of sequences of the invention may be found, may be found, for example, in Table 1 on page 29 (the first two rows for SEQ ID NOs: 12 and 14), and on page 36, line 19. Support for 89% and 67% identity to first and second conserved domains, respectively, of sequences of the invention may be found, for example, on page 29 in Table 1 (the row for SEQ ID NO: 18). Support for 78% and 71% identity to the first and second conserved domains, respectively, of sequences of the invention may be found may be found, for example, on page 28 in Table 1 (the row for SEQ ID NO: 10).

Support for transgenic seed may be found at, for example, page 9, lines 1-5, page 80, lines 15-16, and page 80, lines 1-18.

### **CONCLUSION**

Applicants believe that no additional fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Mendel Biotechnology, Inc. Deposit Account No. **50-1025**.

Respectfully submitted,  
MENDEL BIOTECHNOLOGY, INC.



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